



County of San Diego

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WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

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SAN DIEGO
COUNTY GRAND JURY

August 3, 2005

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON FINAL 2004-2005 GRAND JURY REPORTS

Dear Judge Einhorn:

On August 2, 2005, the County of San Diego Board of Supervisors approved responses to the four 2004-2005 San Diego County Grand Jury reports which addressed recommendations to them. The Board further directed that these responses be sent to your office, pursuant to the Penal Code requirements.

The four reports for which responses are attached are titled: Homeless in San Diego; The Politics of Medical Marijuana: A Question of Compassion; Brush, Wind and Fire: An Active Approach to Preventing Future Tragedies; and the Supervisor's Community Funds

Since these were the only 2004-2005 Grand Jury reports to address recommendations to the County Board or departments under their jurisdiction, this completes our organization's commitment to submit responses to reports issued during the 2004-2005 Grand Jury session.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment

COUNTY OF SAN DIEGO RESPONSES TO GRAND JURY REPORT
“BRUSH-WIND-FIRE An Active Approach To Preventing Future Tragedies”
Issued June 9, 2005

Findings:

1. **Although the County has directed LAFCO to work on County fire agency reorganization, the County needs LAFCO to accelerate its efforts as quickly as possible.**

Agree.

2. **The County of San Diego should use County jail inmates for the same duties as state inmates.**

Disagree. According to the Sheriff, who manages the County’s inmate population, these individuals do perform a variety of jobs that provide savings to taxpayers. However, inmates in County facilities and those in State institutions are two distinctly different populations.

California Penal Code Section 2700 states, in part, “The Department of Corrections shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the Director of Corrections.”

In contract, two-thirds of the County jail population is comprised of pre-sentence inmates. Those inmates have relatively short incarcerations, often as little as 3 to 10 days, and are not subject to work assignments as described in this Finding. Among the remaining sentenced jail population, Sheriff’s Department staff screen and assign these individuals to a variety of duties on-site.

3. **County inmates should also be used to create and maintain fire havens.**

Disagree, for the same reasons described in the preceding Finding.

4. **Individual fire protection agencies vary in the procedures for enforcing fire safety codes.**

Agree.

Recommendations:

05-32: Encourage LAFCO to accelerate its efforts to reorganize the County fire agencies and become more actively involved in the business of fire prevention.

The recommendation has been implemented.

Over approximately the last year, the Board of Supervisors has approved several actions related to the reorganization of fire agencies in the County of San Diego. These actions included both funding to assist LAFCO in their review of fire agencies and requests to LAFCO begin the reorganization process.

First on May 18, 2004, the Board took action to conceptually support the regionalization of fire protection and emergency medical services and to authorize the Chief Administrative Officer to assist LAFCO in that endeavor. Also on that date, the Board voted to place an advisory measure on the November 2004 ballot regarding consolidation of the fire service.

Subsequently on August 3, 2004, the Board directed the Chief Administrative Officer to identify \$50,000 in funding to assist LAFCO in developing their report on reorganization of the fire service. Approving the additional funding has enabled LAFCO to accelerate work on preparing the report.

Next, on November 30, 2004, after the passage of Proposition C in the November 2004 general election (the advisory ballot measure regarding consolidation of the fire service), the Board made a formal request to LAFCO to initiate the process to consolidate fire protection agencies in the unincorporated area of the County of San Diego. LAFCO took action to begin the dissolution process on February 7, 2005.

Finally, on April 19, 2005, the Board of Supervisors adopted a resolution pursuant to Government Code 56650 requesting the formation of a regional fire protection district for the unincorporated area of the County of San Diego. The Chief Administrative Officer notified LAFCO of the Board's action.

As can be seen by the actions described above, the Board of Supervisors has been proactive in assisting and encouraging LAFCO to complete their efforts to reorganize the fire service in the unincorporated areas of the County.

05-33: Exert influence over fire districts to establish consistent ways to keep private residences compliant with fire codes.

This recommendation will not be implemented.

The County's ability to exert influence over fire districts is extremely limited. Fire districts are separate sovereign entities established by state law pursuant to the Fire Protection District Law of 1961 (Health and Safety Code Section 13800) or its successor, the Fire Protection District Law of 1987. Similarly, Municipal Water Districts are separate sovereign entities and can provide fire protection services through the powers granted in Water Code Section 71680. The County of San Diego has no

authority over fire protection districts, as they are separate sovereign entities (subdivisions of the State). Therefore, the County can only seek voluntary cooperation.

In spite of the limitations described above, the County of San Diego works cooperatively with Fire Protection Districts in several areas. For example, on March 24, 2004, the Board of Supervisors adopted revisions to the "Removal of Combustible Vegetation Ordinance" enabling the County to enforce provisions of the ordinance within a fire protection district's boundaries, if the district adopts the County ordinance by reference. On September 22, 2004, the Board accepted enforcement responsibility for the Julian – Cuyamaca Fire Protection District as it relates to the removal of dead, dying and diseased trees.

05-34: Work with various communities and fire districts to examine areas for fire havens that could be constructed.

This recommendation will not be implemented.

With respect to the finding that County inmates should be used to create and maintain fire havens, 2/3 of the jail population is comprised of pre-sentence inmates who have relatively short incarcerations. Because of this, they are not subject to this type of work assignment. (For a more thorough explanation, see the response to recommendation 05-35.)

As they are described on page 4 of the Grand Jury Report, "fire havens" are potentially unsafe, particularly in a wind driven fire. Burning embers and smoke can be propelled by frequent wind gusts of up to 50 miles per hour. This combination presents a hazard to evacuees.

A better solution would be to designate existing facilities such as schools, libraries or even tribal casinos to provide shelter in a wildfire. Where those are not available, large paved areas or football or soccer fields might also work, however flying embers would still present a risk in this situation. In that event, evacuees would be required to stay in their cars with the engine and air conditioning running. The County's Office of Emergency Services has been working with several communities to develop Community Protection and Evacuation Plans that specify safety zones (fire havens).

The best option for new development however, is to require a secondary means of ingress and egress so that residents can evacuate and fire service assets can enter simultaneously.

05-35: Utilize County jail inmates as low-cost work crews to handle brush control and create firebreaks.

This recommendation will not be implemented because this recommendation refers to a law enforcement operation conducted by the elected Sheriff. The Board of Supervisors has no authority over the operation of the jails or the management of jail inmates by the Sheriff.